

Application No.: 10/645,665

Docket No.: 2328-062

RECEIVED
CENTRAL FAX CENTER

DEC 26 2006

REMARKS

The courtesy of Examiner Le in granting the undersigned attorney for applicants an interview on December 21, 2006, is noted. During the interview, the examiner said he did not feel the word "several" adequately defined "three or more," despite the statement in the second sentence of the specification as filed that "several" means three or more, but not many. To satisfy the examiner, the independent claims have been amended to replace the word "several" with the words "three or more." Such an amendment is consistent with the wording of the claims, as filed, in view of the statement in the second sentence of the specification of the application.

Claim 15 has also been amended to obviate an interpretation thereof under 35 USC 112, paragraph 6, and claim 16 has been amended to indicate that the three or more frequencies are such that the excitation of the plasma by the three or more frequencies simultaneously causes different phenomena to occur in the plasma, wherein the phenomena affect plasma ion energy, plasma ion density and plasma chemistry of the plasma incident on the workpiece. The dependent claims have been amended for consistency with the changes to the independent claims.

Nonelected claims 1, 2, 4, 5, 7-14 and 52-63 have been canceled, without prejudice, with the right to file a divisional application thereon. In addition, claim 24 has been canceled because the subject matter thereof is now included in claim 16.

To provide applicants with the protection to which they are deemed entitled, claims 64-79 are added. The subject matter of different ones of the newly added claims

Application No.: 10/645,665

Docket No.: 2328-062

is found in original claim 5, or original claim 15, or original claims 16-18.

The Indications of claims 34 and 38 containing allowable subject matter and the allowance of claims 42-51 are noted.

The prior anticipation rejection of claims 15-30, 35-37 and 39-41 as result of Shan et al., US patent publication 2001/0009139 A1 was incorrect because these claims required several frequencies, that is, three or more frequencies. In Shan et al., only two frequencies are applied to the plasma, as pointed out in the office action. Since a proper anticipation rejection requires all features of a claim to be found in a single reference, and claims 15-30, 35-37 and 39-41 require three or more frequencies, these claims are not anticipated by Shan et al.

Applicants note the co-pending, commonly assigned application of many of the present inventors, serial number 10/855,706.

During the interview, the undersigned attorney for applicants brought to the attention of Examiner Le the relevancy of Howard, US Patent Publication No. 2005/0022933. The Howard application was filed August 1, 2003, less than one month prior to the August 22, 2003, filing date of the present application. The Howard application discloses applying three frequencies, in the same frequency ranges as the frequencies of applicants' disclosure, and as now defined by several of applicants' claims. Because the Howard application discloses applying three frequencies in the same frequency ranges as the frequencies of applicants' disclosure, it is inherent that the three frequencies disclosed in the Howard application inherently affect plasma ion energy, plasma ion density and plasma chemistry of the plasma incident on a

Docket No.: 2328-062

Application No.: 10/645,665

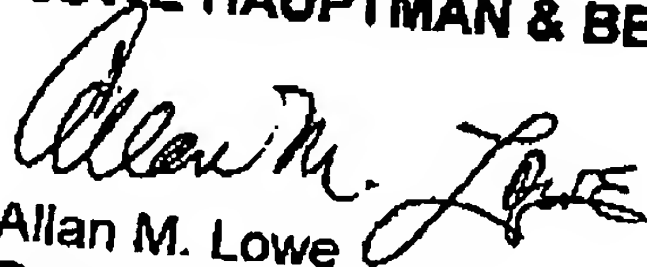
workpiece. During the interview, the undersigned attorney for applicants stated his opinion that the Office should, in the next office action, cite the Howard application against some of applicants' pending claims and that applicants are prepared to file a declaration under 37 CFR 1.131, to swear behind the Howard filing date.

In view of the foregoing amendments and remarks, appropriate action by the PTO is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP


Allan M. Lowe
Registration No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: December 26, 2006
AML/mps